IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SPF OWNER LLC and PHILADELPHIA 76ERS, L.P.)))
Plaintiffs,) Civil Action No.: 2:22-cv-1333-MMB
v.))
HARTFORD FIRE INSURANCE COMPANY,)))
Defendant.)) _)

JOINT STATUS REPORT

Defendant Hartford Fire Insurance Company and Plaintiffs SPF Owner LLC and Philadelphia 76ers, L.P. (collectively, the "Parties") jointly submit this status report in accordance with the Court's February 6, 2023 Order (Dkt. No. 42), as follows:

- 1. On January 30, 2023, the Parties filed a Joint Motion to Stay, asking the Court to stay discovery and all other deadlines in this case until after the U.S. Court of Appeals for the Third Circuit rules on a petition seeking a rehearing en banc of the Third Circuit's decision in *Wilson v. USI Insurance Service LLC*, 57 F.4th 131 (3d Cir. 2023). *See* Dkt. No. 40.
- 2. In an Order dated February 1, 2023, the Court granted the Parties' Joint Motion to Stay. *See* Dkt. No. 41.
- 3. On February 6, 2023, the Court issued an Order that, among other things, directed the Parties to "provide a written status report to the Court every Sixty (60) days[.]" *See* Dkt. No. 42.
- 4. On April 7, 2023, June 6, 2023, August 7, 2023, and October 6, 2023, the Parties filed Joint Status Reports advising that the en banc petition in *Wilson* has not yet been decided,

and thus the Parties believe the stay should remain in place. See Dkt. Nos. 43, 45, 49, 51.

5. In accordance with the Court's Order directing the Parties to provide a written status report every 60 days, the Parties hereby report that the en banc petition in *Wilson* has not yet been decided; and, thus, the Parties continue to believe the stay should remain in place.

Dated: December 5, 2023

s/ Marni S. Berger

Robert J. Mongeluzzi (PA 36283) Jeffrey P. Goodman (PA 309433) Marni S. Berger (PA 309303) Saltz Mongeluzzi & Bendesky P.C. 1650 Market Street, 52nd Floor Philadelphia, PA 19103

T: 215-496-8282

E: rmongeluzzi@smbb.com E: jgoodman@smbb.com E: mberger@smbb.com

Attorneys for Plaintiffs

Respectfully submitted,

s/ Richard D. Gable, Jr.

Richard D. Gable, Jr. (PA 65842) Butler Weihmuller Katz Craig, LLP 1818 Market Street, Suite 2740 Philadelphia, PA 19103

T: 267-504-1410

E: rgable@butler.legal

Sarah D. Gordon
John J. Kavanagh
Conor P. Brady
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
T: 202-429-8005
sgordon@steptoe.com
jkavanagh@steptoe.com
cbrady@steptoe.com
Admitted Pro Hac Vice

Attorneys for Defendant Hartford Fire Insurance Company

CERTIFICATE OF SERVICE

I certify that the foregoing was served on all parties by CM/ECF on December 5, 2023.

/s/ Richard D. Gable, Jr.